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June 19, 2001

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RECOMMENDATION TO SUPPORT STATE SENATE BILL 884 (ESCUTIA)
(3-VOTES)**

This letter contains a recommendation to support State Senate Bill 884 (Escutia), which gives additional discretion to counties in placement decisions regarding dependent children. SB 884 would authorize the State Department of Social Services to delegate responsibility to counties for granting individual criminal record exemptions to relatives of foster children for placement decisions. During your Board's consideration of this item, the Department of Children and Family Services and County Counsel will be available to discuss any technical issues related to this bill.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the recommendation to **support SB 884 (Escutia)**, which grants counties the authority to grant individual criminal record exemptions to relatives of foster care children for placement decisions; and
2. Instruct the County's legislative advocates in Sacramento, working with the Legislative Strategist, affected departments, and other interested individuals and organizations to advocate this position on behalf of Los Angeles County.

SB 884 (Escutia)

SB 884 seeks to clarify the authority of counties to grant individual criminal record exemptions for the purpose of placing dependent children with relatives who are not licensed or certified foster parents. Existing law prohibits the placement of foster children in the home of relatives who have been convicted of crimes unless the State Department of Social Services (SDSS) waives the application of these requirements in accordance with specified criteria. To date, SDSS has granted waivers to twelve counties to evaluate and grant individual criminal record exemptions. Sacramento County, one of the counties granted such a waiver, was sued over the process for criminal record exemptions. The Court of Appeal stated that additional clarity regarding the process for evaluating and granting individual criminal record exemptions was necessary. SB 884 is the vehicle to clarify these procedures.

As amended on May 15, 2001, SB 884 would authorize the SDSS to delegate to a county the authority to evaluate and grant individual criminal record exemptions to relatives of foster children provided certain conditions are met. Counties would still be required to evaluate individual criminal records in accordance with existing law which requires county social workers to conduct a home assessment prior to placement with the relative, conduct criminal background checks and verify that potential relative caregivers are not in the Child Abuse Index.

Under SB 884, counties would only be able to provide a criminal records exemption based on substantial and convincing evidence to support a reasonable belief that the person with the criminal conviction is of such good character as to justify the placement and not present a risk of harm to the child. Exemptions are not permitted for persons convicted of serious crimes, including: assault with intent to commit mayhem, rape, sodomy, or oral copulation; sexual abuse or battery; rape; child abandonment or neglect; cruel or inhumane corporal punishment of a child; lewd acts on a child under age 14; or crimes against elder or dependent adults. Exemptions are also prohibited for persons convicted of any violent felony, such as murder, voluntary manslaughter, attempted murder, mayhem, robbery, arson, car jacking, kidnaping or extortion, unless sufficient evidence has been shown to prove that person has been rehabilitated.

The Department of Children and Family Services (DCFS) and County Counsel indicate that if the authority to grant exemptions remained with SDSS, children would have to be temporarily placed in licensed foster homes, foster family homes or group homes while awaiting the approval of the relative. DCFS indicates that SB 884 would expedite the placement process by giving the department authority to exempt criminal records for individuals that pose no risk of harm to the child. **Therefore, DCFS and County Counsel recommend that the County support SB 884, and we concur.**

Honorable Board of Supervisors
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SB 884 is sponsored by the State Department of Social Services, and is supported by the County Welfare Directors Association and Santa Clara County. There is no registered opposition. SB 884 has not received a negative vote, and passed off the Senate Floor by a 38 - 0 vote on May 30, 2001. This measure is currently at the Assembly Desk awaiting referral to a policy committee.

This recommended position will be added to the State Legislative Agenda and is consistent with the County Strategic Plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David E. Janssen". The signature is stylized with a large initial "D" and "J".

DAVID E. JANSSEN
Chief Administrative Officer

DEJ:GK
EW:md

c: County Counsel
Department of Children and Family Services